

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

John Raimondi
Plaintiff

Civil Action
No: 07 CV 6021

VS.

Metro-North Railroad Company

June 21, 2007

Defendant

COMPLAINT

NATURE OF ACTION

1. The plaintiff brings this action against the defendant for violations of the Family and Medical Leave Act (FMLA), 29 U.S.C. 2601 *et seq.*

JURISDICTION

2. This Court has subject matter jurisdiction in this case pursuant to the FMLA, 29 U.S.C. § 2601 *et seq.*, and 28 U.S.C. § 1331. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391.

PARTIES

3. The plaintiff is of Bronx, New York.
4. The defendant, Metro-North Railroad Company, is a railroad corporation duly established by law, and employing more than 50 employees with a usual place of business in New York, New York.

FIRST COUNT

5. At all times relevant hereto, Metro-North Railroad was required to comply with the Family Medical Leave Act (FMLA).
6. The plaintiff was employed by Metro-North from 1983 to the present as an Electrical Tester, and prior to applying for FMLA leave worked for the defendant for more than 12 months and more than 1,250 hours.
7. No later than January 3, 2007, the plaintiff exercised his rights under the FMLA for intermittent FMLA leave.
8. Metro-North violated the FMLA by interfering with, restraining, or denying the plaintiff's exercise of or the attempt to exercise his FMLA rights.
9. Metro-North willfully violated the FMLA by interfering with, restraining, or denying the plaintiff's exercise of or the attempt to exercise his FMLA rights.
10. Metro-North violated the FMLA by intimidating and retaliating against the plaintiff for exercising or attempting to exercise his FMLA rights.
11. Metro-North willfully violated the FMLA by intimidating and retaliating against the plaintiff for exercising or attempting to exercise his FMLA rights.
12. Metro-North violated the FMLA by discriminating against the plaintiff because he exercised or attempted to exercise his FMLA rights.
13. Metro-North willfully violated the FMLA by discriminating against the plaintiff because he exercised or attempted to exercise his FMLA rights.
14. As a result of Metro-North's aforementioned violations of the FMLA, the plaintiff has or will suffer damages, including lost wages and employment benefits, interest, liquidated damages, and reasonable attorneys' fees and costs.

WHEREFORE, in order to fairly and justly compensate the plaintiff and thereby promote the free exercise of FMLA rights on the defendant Railroad, plaintiff demands a jury verdict and judgment against the defendant Railroad, including the voiding of any disciplinary actions based on his exercise of his FMLA rights, the award of attorney's fees and costs, and any further relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY JURY.

Dated: June 21, 2007
New Haven, Connecticut

FOR THE PLAINTIFF
By his attorney,

By _____
Charles C. Goetsch
CAHILL, GOETSCH & MAURER P.C.
43 Trumbull Street
New Haven, Connecticut 06511
(203) 777-1000
CG9082